

118TH CONGRESS
1ST SESSION

H. R. 4993

To amend title 46, United States Code, to include the replacement or purchase of additional cargo handling equipment as an eligible purpose for Capital Construction Funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mr. EZELL (for himself and Mr. CARTER of Louisiana) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 46, United States Code, to include the replacement or purchase of additional cargo handling equipment as an eligible purpose for Capital Construction Funds, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS OF CARGO HANDLING EQUIP-**
4 **MENT AND MARINE TERMINAL.**

5 Section 53501 of title 46, United States Code, is
6 amended—

7 (1) by redesignating—

1 (A) subsections (2) and (3), as subsections
2 (3) and (4), respectively; and

3 (B) subsections (4), (5), (6), (7), (8), and
4 (9), as subsections (6), (7), (8), (9), (10), and
5 (11), respectively;

6 (2) by inserting after subsection (1), the fol-
7 lowing:

8 “(2) CARGO HANDLING EQUIPMENT.—The term
9 ‘cargo handling equipment’ means any vehicle or
10 land-based equipment, and the associated marine
11 terminal or port landside infrastructure, used at a
12 marine terminal to lift or move cargo—

13 “(A) manufactured in the United States;
14 or

15 “(B) manufactured outside of the United
16 States, if such equipment is not produced in the
17 United States in sufficient and reasonably
18 available quantities or of a satisfactory quality
19 as determined by the marine terminal oper-
20 ator.”; and

21 (3) by inserting after subsection (4), as redesign-
22 nated by paragraph (1), the following:

23 “(5) MARINE TERMINAL.—The term ‘marine
24 terminal’ means wharves, bulkheads, quays, piers,
25 docks and other berthing locations and adjacent

1 storage or adjacent areas and structures associated
2 with the primary movement of cargo or materials
3 from vessel to shore, or from shore to vessel, includ-
4 ing structures which are devoted to receiving, han-
5 dling, holding, consolidating, loading, or delivery of
6 waterborne shipments, including areas devoted to
7 the maintenance of the terminal or equipment.”.

8 **SEC. 2. ESTABLISHING A CAPITAL CONSTRUCTION FUND.**

9 Section 53503 of title 46, United States Code, is
10 amended—

11 (1) by striking subsection (a) and inserting the
12 following:

13 “(a) IN GENERAL.—

14 “(1) A citizen of the United States owning or
15 leasing an eligible vessel may make an agreement
16 with the Secretary under this chapter to establish a
17 capital construction fund for the vessel.

18 “(2) An operator of a United States marine ter-
19 minal may make an agreement with the Secretary
20 under this chapter to establish a capital construction
21 fund for the marine terminal.”; and

22 (2) by striking subsection (b) and inserting the
23 following:

24 “(b) ALLOWABLE PURPOSE.—The purpose of the
25 agreement shall be to provide—

1 “(1) replacement vessels, additional vessels, or
2 reconstructed vessels, built in the United States and
3 documented under the laws of the United States, for
4 operation in the foreign or domestic trade of the
5 United States; or

6 “(2) replacement cargo handling equipment, ad-
7 ditional cargo handling equipment, or reconstructed
8 cargo handling equipment for operation at marine
9 terminals in the United States.”.

10 **SEC. 3. DEPOSITS AND WITHDRAWALS.**

11 Section 53504(b) of title 46, United States Code, is
12 amended by inserting “or United States marine terminal”
13 after “agreement vessel”.

14 **SEC. 4. CEILING ON DEPOSITS.**

15 Section 53505(a) of title 46, United States Code, is
16 amended—

17 (1) in subparagraph (1) by inserting “, or the
18 operation of a marine terminal in the United States”
19 after “in the fisheries of the United States”;

20 (2) in subparagraph (2) by inserting “or cargo
21 handling equipment” after “agreement vessels”; and

22 (3) in subparagraph (3) by inserting “or cargo
23 handling equipment” after both instances of “agree-
24 ment vessel”.

1 **SEC. 5. QUALIFIED WITHDRAWALS.**

2 Section 53509 of the title 46, United States Code,
3 is amended—

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) IN GENERAL.—Subject to subsections (b) and
7 (c), a withdrawal from a capital construction fund is a
8 qualified withdrawal if it is made under the terms of the
9 agreement and is for—

10 “(1) the acquisition, construction, or recon-
11 struction of—

12 “(A) a qualified vessel or a barge or con-
13 tainer that is part of the complement of a quali-
14 fied vessel; or

15 “(B) cargo handling equipment; or

16 “(2) the payment of the principal on indebted-
17 ness incurred in the acquisition, construction, or re-
18 construction of—

19 “(A) a qualified vessel or a barge or con-
20 tainer that is part of the complement of a quali-
21 fied vessel; or

22 “(B) cargo handling equipment.”;

23 (2) by redesignating subsection (c) as sub-
24 section (e); and

25 (3) by inserting after subsection (b) the fol-
26 lowing:

1 “(c) FULLY AUTOMATED CARGO HANDLING EQUIP-
2 MENT.—No withdrawals may be made from a capital con-
3 struction fund to purchase fully automated cargo handling
4 equipment that is remotely operated or remotely mon-
5 itored with or without the exercise of human intervention
6 or control, if the Secretary determines such equipment
7 would result in a net loss of jobs within a marine terminal.

8 “(d) PROHIBITION ON PRC CRANES.—No with-
9 drawals may be made from a capital construction fund to
10 purchase cranes manufactured in the People’s Republic of
11 China.”.

12 **SEC. 6. TREATMENT OF QUALIFIED WITHDRAWALS AND**
13 **BASIS OF PROPERTY.**

14 Section 53510 of title 46, United States Code, is
15 amended—

16 (1) in subsection (b) by inserting “cargo han-
17 dling equipment,” after both instances of “barge,”;

18 (2) in subsection (c) by inserting “cargo han-
19 dling equipment,” after both instances of “barge,”;
20 and

21 (3) in subsection (d) by inserting “cargo han-
22 dling equipment,” after “barges,”.

1 **SEC. 7. FIFO AND LIFO WITHDRAWALS.**

2 Section 53512 of title 46, United States Code, is
3 amended by adding “cargo handling equipment,” after
4 “advanced”.

5 **SEC. 8. CARGO HANDLING EQUIPMENT AVAILABILITY.**

6 The Secretary shall annually publish in the Federal
7 Register a request for information regarding the avail-
8 ability of cargo handling equipment manufactured in the
9 United States and shall share the results of such request
10 for information with capital construction fund holders.

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